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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,849	05/04/2001	Bernhard Klein	01740726	9828

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MAYER, BROWN, ROWE & MAW LLP
190 SOUTH LASALLE ST
CHICAGO, IL 60603-3441

EXAMINER

PATEL, NITIN C

ART UNIT PAPER NUMBER

2116

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/849,849

Applicant(s)

KLEIN, BERNHARD

Examiner

Nitin C. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in responsive to amendment filed on 14 February 2005.
2. Claim 17 has been added new.

Claim Objections

3. Claims 1, 9, and 17 objected to because of the following informalities:
4. In claim 1, replace "the desired time" in line 6 with --- a desired time ---.
5. In claim 9, replace "the desired time" in line 7 with --- a desired time ---.
6. In claim 17, replace "the desired time" in line 6 with --- a desired time ---.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita, US Patent 6,119,095, and further in view of Mir, Us Patent 6,480,783 B1.
8. As to claims 1, 9, and 13, Morita discloses a navigation system on vehicle and method for planning and revising an itinerary based on intended travel time and expected consumption time comprising: a user I/O interface on the vehicle [col. 5, lines 31 – 35, fig. 1]; a means [navigation device] for providing position information [it is inherent property of the navigation device] on the vehicle [col. 2, lines 38 – 40, col. 9, line 43]; a means [10, itinerary preparing system] for determining route information

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which receives a set of interval point requests from a user and timing information associated with corresponding interval point requests from the user via the user I/O interface [col. 5, 17 – 57], the timing information including the desired time to arrive at each of the interval point requests and a desired departure time from each of the interval point requests [col. 5, lines 26 – 29, col. 7, lines 5 – 20], and further wherein said route information is based on traffic condition information received by the system [col. 7, lines 33 – 39][col. 2, lines 22 – 37, col. 5, lines 17 – 57, col. 6, lines 9 – 64, col. 7, lines 4 – 67, col. 8, lines 1 – 60, col. 9, lines 17 – 61, fig. 1 – 2, and 4 – 7].

Morita does teach that the route information is based traffic condition information but does not explicitly teach that the traffic condition information is dynamic/real time.

Myr discloses a real time vehicle guidance [navigation] system and method for real time vehicle guidance comprising: a user VO interface [405, for input, 404, Display for output] on the vehicle, a means [402, GPS unit] for providing position information [location] on the vehicle, a Central Traffic Unit [CTU] broadcasts the updated traffic condition in real time and enables a individual mobile unit [IMU] to dynamically update the route information [desired optimal travel route] [abstract, col. 1, lines 8 – 14, col. 2, lines 50 – 62, col. 4, lines 49 – 57] [col. 2, lines 50 - 51, col. 3, lines 20 - 63, 01. 4, lines 49 - 65, c01. 5, lines 15 - 67, *1. 6, lines 1 - 67, col. 7, lines 1 - 23, 01. 9, lines 14 - 38 47 - 67, col. 10, lines 1 - 11, fig. 2 – 4].

It would have been obvious to one of ordinary skill in art, having the teachings of Morita and Myr before him at the time of invention was made, to modify a system for planning and revising itinerary with calculating an expected consumption time in

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accordance with [based on] the travel distance, traffic condition, etc [col. 7, lines 34 – 38] as disclosed by Morita to include a real time vehicle guidance with a Central Traffic Unit [CTU] broadcasts the updated traffic condition in real time and enables a individual mobile unit [IMU] to dynamically update the route information [desired optimal travel route] [abstract, col. 1, lines 8 – 14, col. 2, lines 50 – 62, col. 4, lines 49 – 57] as taught by Myr, in order to obtain a true real time system with dynamically updated traffic data by collecting temporary changes in road condition known in advance, regular predictable changes, and sudden unpredictable changes such as traffic accidents, traffic congestion due to sudden and drastic changes in traffic arrangements because of visiting dignitaries, etc [col. 2, lines 29 – 48, col. 19, lines 5 - 28].

9. As to claims 2, and 10, Myr discloses means [client mobile unit, CMU] and method for determining route information provides [displays] at least proposed [updated] route, which may be acceptable or rejected [override] by a user [col. 7, lines 9 - 24, fig. 9].

10. As to claims 3, and 11, Myr discloses means [CMU] and method for determining route information provides a plurality of proposed routes arranged according to a priority [shortest time, shortest time][col. 7, lines 9 - 24, fig. 9].

11. As to claims 4, and 12, Myr discloses a means (CMU) and method for automatically determining a failure to maintain a route schedule [because of updated traffic information] and thereafter automatically replanning [updating] at least one route [path] [col. 6, lines 36 - 67, *1. 7, lines 1 – 23].

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12. As to claims 5, and 13 Myr discloses means [CMU] for replanning a route [alternate route] automatically [by algorithm for processing user request] in response to user rejection of route information while following a route between the interval points [col. 7, lines 3 - 23, col. 9, lines 14 - 46].

13. As to claims 6, and 14, Myr discloses means for accepting user amendments [override preferences] of system generated route information while following a route between the interval points [col. 9, lines 14 - 46].

14. As to claims 7, and 15, Myr discloses the means [audio unit] for accepting input to the system via voice [verbal] commands [col. 4, lines 57 - 65].

15. As to claims 8, and 16, Myr discloses a means for receiving broadcast messages from transmitter and used for calculating route information [col. 1, lines 8 - 14, col. 5, lines 26 - 32].

16. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested to the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

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17. **Prior Art not relied upon:** Please refer to the references listed in attached PTO-892, which, are not relied upon for rejection since these references are relevant to the claimed invention.

18. Applicant's arguments with respect to claims 1,9, and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 6:45 am to 5:15 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel
March 7, 2005


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100